

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOHN D. LEE,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:05-CV-512
)	(VARLAN/INMAN)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge Dennis H. Inman on September 20, 2007 [Doc. 32]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Inman found that the defendant Commissioner's motion for summary judgment [Doc. 25] should be denied, and that plaintiff's motion for summary judgment [Doc. 17] should be granted to the extent that it seeks remand for determination of disability.

The Court has carefully reviewed this matter, including the underlying pleadings [Docs. 17, 25]. The Court is in agreement with Magistrate Judge Inman's recommendation which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation. Additionally, it is **ORDERED** that:

Plaintiff's motion for summary judgment [Doc. 17] is **GRANTED** to the extent that this case shall be remanded; the Commissioner's motion for summary judgment [Doc. 25] is **DENIED**; the Commissioner's decision in this case denying plaintiff's application for benefits under the Social Security Act is **REVERSED**; and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for a new hearing consistent with this opinion and Magistrate Judge Inman's Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE